IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Witten Confirmation No.: 2057

Serial No.: 10/645,839 Art Unit: 1654

Filed: August 22, 2003 Examiner: Thomas S. Heard

For: AMELIORATION OF EFFECTS Attorney Docket No.: 12241-022-999

OF CIGARETTE SMOKE

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Sir:

The enclosed is in response to the Office Communication mailed March 24, 2008 in connection with the above identified patent application.

In response to the Communication, Applicants elect the species of peptide that is $[Sar^9, Met(O_2)^{11}]$ -substance P. Applicants previously elected the route of administration that is inhalation; the amount of substance P that is 5 μ M, and the damage to be corrected that is decreased dynamic lung compliance; *e.g.*, a method for increasing dynamic lung compliance. Applicants further previously elected the patent population that is subjects exposed to main stream eigarette smoke.

Applicants believe claims 42, 44- 46, 49, 51-54, 68, 69, 71-73, 76, and 78-81, read on the elected species.

No fee is believed due in connection with this response. However, should the Commissioner determine otherwise, he is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013 (Referencing Order No. 876946-999022).

Respectfully submitted,

Date: <u>April 24, 2008</u>

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